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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,984	11/05/2001	Michael Baentsch	CH920000018US1	7655
53792	7590	11/27/2007		
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY. SUITE 2110 AUSTIN, TX 78759			EXAMINER PATEL, NIRAV B	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/992,984

Applicant(s)

BAENTSCH ET AL.

Examiner

Nirav Patel

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 10, 12, 14-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 10, 12, 14-17, 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action in responsive to the communication filed on Aug. 24, 2007. Claims 1, 3-6, 10, 12, 14-17, 19-22 are pending.

2. Claims 1, 3-6, 10, 12, 14-17 and 19 are under appealed and Claims 20-22 are not under appealed. The office determines that the claims 1, 3, 4, 5, 6, 10, 12, 14-16, 21 and 22 contain the trademark in the claim limitation and therefore, the claims 1, 3, 4, 5, 6, 10, 12, 14-16, 21 and 22 rejected under the second paragraph of 35 U.S.C. § 112 and claims 10, 12, 14-16, 17 and 19 contain the non-statutory subject matter and therefore, the claims 10, 12, 14-16, 17 and 19 rejected under 35 U.S.C. §101. However, Claim 20 is not under appeal, therefore previous rejection is still maintained by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3, 4, 5, 6, 10, 12, 14-16, 21 and 22 are rejected because they contain the trademarks/trade names "Java". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material

or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 10, 12, 14-16, 17 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 10 recites, "A computer-readable medium embodying computer program code,.....". Claim 10 is rejected under 35 USC 101 for failing to provide a practical application that produces a useful, tangible and concrete result. The claimed computer-readable medium carrying a compute program without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, and such descriptive material alone doesn't impart functionality either to the data as so structured, or to the computer. Therefore, claim 10 is not statutory since no requisite functionality is present to satisfy the practical application requirement.

Claims 12 and 17 have limitations that are similar to those of claim 10, thus they are rejected with the same rationale applied against claim 10 above.

Claims 12, 14-16, 19 and 22 depend on non statutory claims as above, therefore they are rejected with the same rationale applied against non statutory claims above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwabe (US Patent No. 6,883,163) and in view of Stammers et al (US Patent No. 7,069,554) in view of Ji (US Patent No. 6,272,641) and in view of Levy et al (US Patent No. 6,092,147).

As per claim 20, Schwabe teaches:

converting an original file into a reduced file (CAP file of JAR file), wherein the original file contains a class description section and an instruction section, and wherein the reduced file contains a code description section that is based on the class description

section, and wherein the reduced file contains a code section that is based on the instruction section, wherein the original file contains classes that are capable of being compiled, and wherein the only executable instructions in the reduced file are applets [Fig. 4-6, col. 6 lines 60-67, col. 7 lines 1-3, 10-15].

Stammers teaches:

converting the reduced file into a converted file, wherein the reduced file and the converted file are semantically identical [col. 7 lines 21-26]

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Stammers with Schwabe to arrange and test the functional components, since one would have been motivated to verify the authenticity and/or interaction with the other components [Stammers, col. 2 lines 14-16].

Ji teaches:

creating a cryptographic signature for the converted file [Fig. 2, col. 8 lines 1-4].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ji with Schwabe and Stammers, since one would have been motivated to detect and prevent operation of computer viruses and other types of malicious computer code [Ji, col. 1 lines 10-11].

Levy teaches:

storing the cryptographic signature and the reduced file in a chipcard, wherein the cryptographic signature verifies that the reduced file was converted by a trusted entity [Fig. 5, 4, col. 6 lines 11-27].

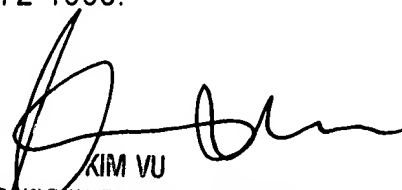
Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Levy with Schwabe, Stammers and Ji, since one would have been motivated to prevent unauthorized access to the data/information [Levy, col. 1 lines 63-65].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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